

DRAFT AMENDMENT - FOR DISCUSSION PURPOSES ONLY**REMARKS**

Claims 2-4, 6-18, and 24-42 have been allowed in the present case, and Applicant appreciates the Examiner's thorough examination and allowance of these claims.

Claims 43-50 stand rejected in this case, and Claim 51 has been objected to as depending from a rejected base claim. Applicants have therefore amended Claim 43 in an effort to overcome the outstanding rejections and place all claims in condition for allowance.

Specifically, Applicants have amended Claim 43 to clarify the position of the housing external and adjacent to the waveguide, and further to clarify that the housing not only serves to enclose the elongated light source, but also to collect and direct light emitted by said light source into the lateral light receiving surface of the waveguide. (See page 12; lines 1-6 of the original application.)

In the Final Office Action, the Examiner rejected Claim 43 as being anticipated by U.S. Patent No. 6,394,923 issued to Tsui; U.S. Patent No. 4,597,033 issued to Meggs et al.; and U.S. Patent Nos. 5,879,076 and 6,146,006 issued to Cross, each pursuant to 35 U.S.C. § 102. However, none of these references describe or teach a "leaky waveguide" as contemplated by the present invention. Furthermore, even if the respective light diffusers described in each of the references could be characterized as a "waveguide," none of these references provide for a separate housing positioned adjacent to the waveguide for not only enclosing an elongated light source, but also for collecting and directing light emitted by said light source into the waveguide. Specifically:

- The '623 Patent (Tsui) merely describes a "rope light" in which a plurality of lights are enclosed within "a flexible, translucent sheath." Even if this translucent sheath could be

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characterized as a waveguide, there is clearly no separate housing for enclosing the lights and for directing emitted light into the waveguide. Quite to the contrary, the lights and associated circuitry are wholly enclosed within the translucent sheath.

- The '033 Patent (Meggs) describes an emergency lighting system in which a plurality of lights are enclosed within an extruded plastic member. Again, to the extent that this extruded plastic member can be considered a "waveguide," there is clearly no separate housing for enclosing the lights and for directing light into the waveguide.
- The '076 and '006 Patents (Cross) describe a lighting apparatus for use with safety apparel. This lighting apparatus includes a plurality of light-emitting diodes located at intervals between a series of elongated plastic rods. The light-emitting diodes and rods are then enclosed within a translucent tube or casement. Again, even if the rods could somehow be characterized as "waveguides," what constitutes the housing? Although the translucent tube encloses the light-emitting diodes, it clearly does not serve to collect and direct light into the waveguide. Indeed, the tube is intended to be substantially transparent or clear to allow light to be emitted through it.

Therefore, Applicants respectfully submit that Claim 43 is now allowable in view of the prior art, and Applicant respectfully requests allowance of all claims now pending in this Application.

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Respectfully submitted,

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